

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 16

October 5, 2016

SUBJECT: COMPLAINTS – CONDITIONS OF ACCEPTANCE; AND,
ADJUDICATION OF A NON-DISCIPLINARY COMPLAINT –
REVISED

PURPOSE: Department Manual Section 3/810.05, *Complaints – Conditions of Acceptance*, cites the exceptions for when a complaint shall not be initiated. These exceptions have been expanded to include direct cites and Administrative Citation Enforcement (ACE) for Los Angeles Municipal Code (LAMC) violations, when the complainant is solely contesting the violation and no other issues of misconduct are alleged. Additionally, this Order revises the review process related to the application of the Non-Disciplinary classification of complaints, to now include Internal Affairs Group.

PROCEDURE: Attached are the Department Manual sections pertaining to the exception for complaints – conditions of acceptance, and the adjudication of non-disciplinary complaints, with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 3/810.05 and 3/818.05 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME III
Revised By Special Order No. 16, 2016**

810.05 COMPLAINTS - CONDITIONS OF ACCEPTANCE. Complaints shall be accepted from any source: written, verbal, in person or telephonic (or TTY), mail, facsimile transmission, or electronic means, or anonymously; at *the Police Administration Building*; any bureau, Area station or substation; at the Office of the Board of Police Commissioners and the Office of the Inspector General; or any other police facility accessible to the public.

Exception: A complaint shall not be initiated when the **sole** reason consists of one or more of the following issues, unless the initial conversation with the complainant identifies attributable misconduct:

- Low-flying airship;
- Complaint by an inmate regarding accommodations, cell assignment, quantity/quality of food, etc.;
- Delay in service;

Note: The delayed response of a patrol unit or a detective failing to conduct a follow up interview due to workload, is not considered a complaint, but rather a delay in providing service and no Complaint Form, Form 01.28.00, is required. If the preliminary investigation discloses there was negligence rather than a delay in providing service due to workload (e.g., call lost when passed from one unit to another at change of watch), a Complaint Form shall be completed.

- *Disputed citations for traffic, parking, Administrative Citation Enforcement (ACE) for LAMC violations;*
- *Disputed Release From Custody (RFC)/Notice To Appear (NTA); and,*

Note: Supervisors shall conduct a preliminary investigation of the violator's complaint about the issuance of the traffic citation, *RFC, or NTA*. If no error was identified in the issuance of the citation, *ACE, RFC, or NTA*, the complainant should be directed to the appropriate court for resolution, and no Complaint Form is required. However, if misconduct was alleged or discovered during the interview, then a Complaint Form is required. (*Refer to Department Manual Section 4/326.67 for procedures on citation cancellations relating to complaint investigations.*)

- *Vehicle Impound.*

Note: Supervisors shall interview the complainant regarding the incident that resulted in the vehicle being impounded. If no other allegation(s) is made regarding the vehicle impound itself, no Complaint Form is required and the complainant may be referred to the Vehicle Impound Hearing process as delineated in *Department Manual Section 4/226.05*. If the interview discloses an allegation(s), a Complaint Form shall be initiated regarding the allegation(s) outside of the vehicle impound, and the referral of the complainant to the Vehicle Impound Hearing process documented on the Complaint Form.

**DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 16, 2016**

818.05 ADJUDICATION OF A NON-DISCIPLINARY COMPLAINT. After approving a complaint's final classification as Non-Disciplinary, the employee's commanding officer shall:

- Complete and sign the Complaint Form (*CF*);
- Meet and discuss the complaint with the employee, and provide the employee with a copy of the investigation; and,
- Sign the complainant's reply letter, and forward it with the complaint to the next level of review.

Role of Bureau Commanding Officer. Bureau commanding officers reviewing a complaint that has been classified as Non-Disciplinary shall:

- Sign the *CF* if they concur; *and*,
- Ensure that all closed *Non-Disciplinary* complaints are forwarded to *Internal Affairs Group* (IAG), along with the original completed investigation and a Personnel Complaint Statistical Form, Form 01.19.00, *and reply letter*.

Note: The commanding officer's decision on a Non-Disciplinary complaint shall be final unless a substantial justification for changing it can be articulated at the bureau level. If this occurs, the Non-Disciplinary complaint *shall be returned* to the employee's commanding officer with a written rationale and direction for how to proceed.

Role of Internal Affairs Group. Internal Affairs Group shall have review *authority and responsibility of all* Non-Disciplinary complaints.

Upon review of a Non-Disciplinary complaint IAG shall:

- *Close out the CF and file them by CF number in IAG's Miscellaneous files; and,*
- *Date and send the reply letters to the complainants.*

Note: *The division and bureau commanding officer's decision on a Non-Disciplinary complaint shall be final unless a substantial justification for changing it can be articulated by IAG. If this occurs, the Non-Disciplinary complaint shall be returned to the bureau commanding officer with a written rationale and direction for how to proceed.*